

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, April 19, 2006, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, April 5, 2006 Worksession.

Action: Approved, (WMH/AMC, 5-0).

2. **A-6061, Petition of Diane August and Michael Fainberg** (existing single-family dwelling and two-story addition). Letter to the Board from the petitioner requesting an extension of time.

Action: Granted a one-year extension of time, (AMC/DLB, 5-0).

3. **A-6089, Appeal of William Poulos** (Department of Permitting Services [DPS] – Issuance of Building Permit No. 386664). Letters to the Board from Lorrie Hartwell and Stephen White, requesting that Mr. White be a co-intervener.

Action: Deferred request until the scheduled public hearing, consensus.

4. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Joint Status Report and Motion to Stay from Todd Brown, Esquire; Joseph Lapan, Esquire; and Malcolm Spicer, Esquire. Also included is a letter from the Department of Fire and Rescue Services.

Action: (1) Granted continuance of the appeal until 10/26/06; (2) Board to received status report in 90 days, (AMC/DLB, 4-0/AIF/recused).

5. **A-6129, Appeal of Bob Gillespie** (Department of Permitting Services– Notice of Violation, dated February 2, 2006). Letter to the Board from the appellant withdrawing the appeal and requesting a 50% refund of the filing fee.

Action: (1) Dismissed the appeal as withdrawn; (2) granted 50% (\$100.00) of the filing fee, (DLB/CLH, 5-0).

6. **A-6133, Appeal of Sligo Branview Community Association** (by Mary Cogan, et al). Letter to the Board from William Chen, Esquire, with a Request To Take Deposition And For Production of Documents.

Action: Deferred request until the pre-hearing conference, consensus.

7. **CBA-2197-B [CBA-2197, CBA-2197-A], Petition of The Heights School** (private educational institution). Letter submitting the annual report to the Board from Alvaro J. de Vicente, Headmaster.

Action: Re-opened the record to include the annual report, (DLB/AMC, 5-0).

8. **S-548, Petition of Kidsfirst Learning Center** (child day care center). Letter to the Board from Martha Garcia, Director, requesting a transfer of the special exception.

Action: (1) Granted the transfer of the special exception; (2) granted the change of name of the special exception, (CLH/WMH, 5-0).

9. **S-1200-A, Petition of Meridian Healthcare** (Nursing or domiciliary care home). Letter to the Board from Susan Reutershan, Esquire, requesting an administrative modification. (Large exhibits: site and grading plan, updated landscape plan, 1<sup>st</sup> floor, new work and building elevations, concept site plan).

Action: Granted the administrative modification, (WMH/CLH, 4-0/AIF/recused).

10. **S-1470, Petition of Padman S. and Raji S. Sarma** (accessory apartment). Memorandum to the Board from Kevin Martell, Housing Code Inspector, Department of Housing and Community Affairs [DHCA] notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked the special exception as abandoned, (DLB/WMH, 5-0).

11. **S-2287, Petition of Circle, Inc.** (private educational institution). Letter to the Board from Paul Thurmond requesting an administrative modification. (Large exhibits: final forest conservation plan and landscape, lighting and forest conservation plan).

Action: Granted the administrative modification, (AMC/WMH, 5-0).

12. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letters from Gopal Janardanan, President/Chief Executive Officer, requesting that the Board suspend consideration of the administrative modification and the transfer of the special exception and submitting the Transition Architectural and Engineering Report for North Potomac Village. (Large exhibit in the record: Transition Architectural & Engineering Report).

Action: (1) Re-opened the record to include the Transition Architectural and Engineering Report; (2) request that DPS inspection of the special exception include a building code inspector, (AMC/DLB, 4-0/AIF/recused).

13. **S-2506-A, Petition of East Coast Landscape, Inc.** (landscape contractor). Letter to the Board from Martin Hutt, Esquire, requesting modification of Condition 12 of the Board's Opinion dated 2/9/06.

Action: Granted modification of Condition 12 of the Board's Opinion dated 2/9/06, (DLB/CLH, 5-0).

14. **H.E.-99-2, Petition of the Gate of Heaven Cemetery** (cemetery). Status report to the Board from Elsie Reid, Esquire.

Action: Re-opened the record to include Ms. Reid's letter, (AMC/WMH, 5-0).

#### **DECISION ITEMS:**

15. **A-6087, Appeal of Timothy D. Searchinger** (Historic Preservation Commission – Denial of Historic Area Work Permit, dated May 25, 2005).

Action: Item deferred until the Board's 5/3/06 Worksession, consensus.

16. **S-289-B, Petition of Little Falls Swim and Tennis Club** (community swimming pool). Memorandum to the Board from the Director, Office of Zoning and Administrative Hearings (OZAH), dated 4/3/06. Also included are: Third Supplemental Hearing Examiner's Report and Recommendation, dated 3/22/06; Memorandum to the Board from Office of Zoning and Administrative Hearings, dated 3/28/06; Supplemental Hearing Examiner's Report and Recommendation, dated 8/30/05; Memorandum to OZAH from Tom Ogle, Department of Environmental Protection (DEP), dated 7/27/05; letter to the Board from Norman Knopf, Esquire, dated 3/31/06; letters from William Chen to the Board, dated 4/5/06 and to OZAH, dated 4/3/06.

Action: Granted request for Oral Argument, (AMC/CLH, 4-0/AIF/recused). Oral Argument limited to tennis court issues.

17. **S-2634, Petition of Shanta Ramson, Esquire** (major home occupation). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (DLB/WMH, 5-0).

#### **PENDING ITEMS:**

18. **CBA-1203, Petition of Mariner Health of Maryland, Inc.** (nursing home). Letter to the Board from Stuart Barr, Esquire, requesting a transfer of the special exception and an administrative modification. (Large exhibits: lighting and photometric plan, survey, site plan). Item deferred for additional information, information should include a schedule of the generator operations. [W/S 2/22/06].

19. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6/8/05].

#### **PENDING ITEMS (continued):**

20. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5/4/05].

21. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. [W/S 2/18/04].
22. **S-684, Petition of Burkland Condominium Association, Inc.** (dental/medical clinic). Memorandum from Stanley N. Garber, Investigator, DPS, regarding the conditions of the Board's Resolution. (1) Re-opened the record to include Mr. Garber's memorandum; (2) Board to issue corrected Resolution; (3) an additional inspection of the special exception will be required. [W/S 7/13/05].
23. **S-961, Petition of William E. Wallace, Jr.** (accessory apartment). Memorandum to the Board from Jerri Burgess, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred for confirmation from DHCA that the accessory apartment has been abandoned. [W/S 2/8/06].
24. **S-1239, Petition of Ernestine and Jewel Johnson** (accessory apartment). Memorandum from John Whitt, Program Manager, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the petitioner requesting that the special exception be suspended and not revoked. Item deferred for confirmation that special exception holder resides in the house. [W/S 2/22/06].
25. **S-1365, Petition of Association for Women's Recovery Residence, Inc.** (group residential facility for exceptional persons). Letter to the Board from Tahira Azziz requesting a transfer of the special exception and an administrative modification. Item deferred for additional information. [W/S 2/22/06].
26. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].
27. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12/7/05].

**PENDING ITEMS (continued):**

28. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire. Also included is a letter to the Board from Gopal Janardanan, President and Chief Executive Officer of the North Potomac Village

Condominium Association. (1) Item deferred for future Worksession; (2) status report from Ms. Sears and Girard in 60 days. [W/S 3/22/06].

29. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letters to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan, as-built site plan and elevations). Item deferred for additional information. [W/S 12/7/05].

30. **S-2635, Petition of New Covenant Village, LLC** (housing and related facilities for senior adults). Letter to the Board from David Freishtat, Esquire, requesting an administrative modification. (Large exhibits: overall site plan, site plan, landscape plan). (1) Granted the administrative modification as revised; (2) Board to receive the revised plans from the petitioner. [W/S 3/8/06].

### **Board Members**

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